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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,094	06/22/2000	JUN KITAMURA	000725	8068
38834	7590	06/14/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/582,094	Applicant(s) KITAMURA ET AL.	
	Examiner Thong Q Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18, 19 and 21 is/are pending in the application.
 4a) Of the above claim(s) 1-10, 12 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 14 and 18 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed by applicant on Jan. 22, 2004.
2. It is noted that in the mentioned amendment, applicant has made an amendments to the specification, the drawings and the claims. Regarding to the claims, applicant has amended claims 11, 13-15 and 18; canceled claims 16-17 and 20; and added a new claim, i.e., claim 21, into the application. The pending claims are now claims 1-15, 18-19 and 21. Claims 11, 13-15, 18/(11, 13-15) and 21/(11, 13-15, 18) are examined in this Office action. Claims 1-10, 12, 18/12, 19 and 21/(12, 18, 19) have been withdrawn from further examination as being directed to non-elected claims.

Drawings

3. The drawings contain four sheets of corrected figures 3, 12-13 and 24 filed by applicant on 1/22/04 were received by the Office and approved by the Examiner.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 21 recites that the sheet-like mirror has a shape and dimension that correspondences to a size of a region of observation of a target object. Such a recitation fails to further limit the subject matter related to the shape of the mirror recited in its base claims 11 and 13-15 which each claims recites that the sheet-like mirror has a rectangular shape.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 14 is rejected under 35 USC 112, second paragraph because the feature thereof "the polarized illuminating light" (line 11) lacks a proper antecedent basis.

b) Claim 18 is indefinite because it is dependent upon some canceled claims.

Applicant should note that claims 16 and 17 were canceled. Further, the claim is also drafted to depend upon itself.

Allowable Subject Matter

8. Claims 11, 13 and 15 are allowed.

9. Claims 14, 18/(11, 13, 14, 15) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

It is suggested to the applicant that if the claim 14 is amended by deletion the feature relating to the polarized light then the device of claim 14 is similar to the device as recited in claim 13, and thus is subjected to an objection under 37 CFR 1.75. Applicant should note that when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). If the applicant made amendments to the claim to overcome the problem of 35 USC 112, second paragraph, applicant is advised that the subject related to the polarizer(s) must have support in the specification and is shown in at least one figure.

10. Regarding to claim 12 and its dependent claim 18/12 which is now a non-elected claim(s) (see section "Responsive to the Amendment, element 2) above), the claim 12 and its dependent claim will be rejoined and allowed if the applicant makes amendments to the claim 12 (see also Note below) by adding the feature relating to the arrangement of the light reception bore and the straight-through bore which is similar to the feature added to last two lines of each claims 11 and 13-15. Applicant should note that the claims 11 and 15 are now not considered

as generic claims because the features added to the claims make the device of each claim differ from the scope of the device as claimed in claim 12.

Note: The claim 12 still has problems of 35 USC 112, second paragraph. Thus, applicant should amend the claim to avoid those problems which are set forth below.

In claim 12: it is noted that each of the features "the mirror surface" (line 5) and "the thus reflected and returned image light" (line 11) lacks a proper antecedent basis. Further, it is suggested that 1) the terms "this means" (lines 4-5) be changed to --said means--; and 2) the terms "the said" (lines 7 (twice), 8, 10 (twice) and 12) should be changed to --the-- or --said--.

Conclusion

11. The references are cited as of interest in that each discloses the use of reflecting element at the tip of an optical device having light illuminating means and light observation means.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

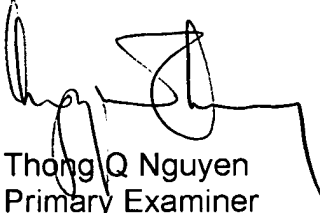
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen
Primary Examiner
Art Unit 2872
